

COMMISSION ON CHILDREN'S JUSTICE
MAY 12, 2003
MEETING MINUTES

Members Present: Judges John Holstein, Chair, Susan Block, Thomas Frawley, Glenn Norton, Vice Chair, Nancy Rahmeyer, Roy Richter, and James Welsh; Senator Bill Foster; Representative Yvonne Wilson; Julie Cole-Agee, Beth Dessem, Preston Feeler (for Representative Catherine Hanaway); Deanna Gallagher, Frank Martin, Steve Renne, Melanie Scheetz, and Andrea Whitfield

Members Not Present: Commissioner John Payne; Senators Pat Dougherty and Anita Yeckel; Representative Bryan Stevenson; Patrick Lynn, and Betty Sims

Guest Present: Judge Thea Sherry, Chair of Child Abuse, Custody and Neglect Commission

Commission Staff Present: Gary Waint and Lynette Ricks

I. WELCOME

The Commission on Children's Justice was called to order by the Honorable John C. Holstein, Chair, in the Division II Courtroom, Missouri Supreme Court, Jefferson City, Missouri at 10:00 a.m.

The Chair called for approval of the minutes from the meeting of April 28, 2003. The minutes were approved as submitted.

II. PRESENTERS

Sidney James addressed the Commission regarding his son, Dominic James who died while in foster care. Mr. James advocated for stronger laws to hold DFS caseworkers accountable for their actions.

Reja Martin addressed the Commission and recommended a mandatory rotation system for assignment of judges, appointment of GALs, and selection of counselors when the court orders evaluations.

Phillip Williams addressed the Commission regarding the placement of his daughters in foster care. He recommended the Commission support creation of an ombudsman office or citizen review panels.

III. INTERIM REPORT

Foster and Relative Care, Permanency

Judge Frawley moved that a bullet be added to Best Practices on page 21 stating that: School disruption must be avoided whenever a child is removed from the home. To do so and insure minimal school days missed, school districts shall facilitate inter-district transportation, and each district shall ensure immediate access to intra-district transportation. If school is disrupted, any new school shall permit immediate enrollment without records, and school districts shall cooperate to achieve immediate exchange of records. Ms. Scheetz seconded the motion. Judge Block requested an amendment be added that DSS and DESE shall establish a protocol. Judge Frawley accepted the amendment.

Judge Richter requested an amendment stating that districts shall cooperate to achieve exchange of records within two business days. Judge Frawley accepted the amendment. The motion with amendment passed.

Judge Frawley moved that the fourth bullet on page 20 read: “State statutes should be changed immediately to require a Family Support Team meeting prior to every court hearing and that evidence be presented to the court regarding the FST outcomes and recommendations at all hearings.” Judge Richter seconded the motion. Motion passed.

Ms. Cole-Agee moved that juvenile and family courts place children only in licensed facilities with the exception of relative or kinship care placements. Ms. Scheetz seconded the motion. Ms. Scheetz requested an amendment to include DFS. Ms. Agee accepted the amendment. Motion passed by majority vote.

Judge Holstein called for a vote on the adoption of the Foster and Relative Care, Permanency section. The Commission voted in favor of the adoption of this section with all recommended revisions.

Judicial/Court

Judge Block recommended revising the first sentence under Status Conference to read, “Upon a court entering an Order of Protective Custody, the court shall set or arrange for a status conference with 3 business days.” Judge Block stated that a juvenile officer, who would then report to the judge, could handle the conference.

Judge Frawley stated that the conference might not be well attended unless a judge conducts it. Attendance is critical in order to place the child into permanency more timely. The judge can make immediate orders.

Judge Block withdrew her recommended revision.

Judge Block moved to add a second sentence in last bullet on page 22 indicating that notification shall be in writing and documented. Ms. Scheetz seconded the motion. Motion passed by majority vote.

Time Standards

Judge Block moved that this section add a new bullet stating that OSCA should conduct a caseload study to determine the adequacy of human resources, to include judicial officers and staff, to meet the time standards. Seconded by Ms. Cole-Agee. Motion passed.

Judge Block moved that the second sentence of the second bullet read: “For good cause shown, the court may continue any scheduled conference or hearing, but if doing so causes the hearing to be rescheduled outside the requisite statutory period, the court shall issue a written order containing its reasons for granting a continuance.”

Judge Norton requested an amendment to include that the hearing may be continued on the courts own motion OR upon written motion complying with Supreme Court Rule 65.03. Judge Block accepted the amendment. Motion seconded by Judge Welsh. Motion passed.

Open Hearings

Judge Welsh moved that the Commission not support enactment of any legislation allowing for statewide open hearings in all juvenile court cases and that the Commission support no changes to current law be enacted until there is experience based on pilot projects. Judge Richter seconded the motion. Motion passed by majority vote.

Open Records

Judge Welsh moved that all records in child abuse/neglect cases remain closed. Judge Richter seconded the motion. Motion passed by majority vote.

Mr. Martin moved to adopt the Judicial/Court section. Ms. Agee seconded the motion. Motion passed by majority vote.

IV. ADJOURNMENT

The next meeting of the Commission will be June 9, 2003, at 10:00 a.m. in the Division II Courtroom of the Missouri Supreme Court.